

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,
Plaintiff
v.
D'Mycole Ondre Boxley,
Defendant

2:15-cr-00039-JAD-PAL-1

**Order Denying Motion for Transfer to
Federal Custody**

[ECF No. 43]

In June 2015, I sentenced D'Mycole Ondre Boxley to 45 months in prison to run concurrent to a state-court sentence of 12–36 months that Boxley was currently serving in case no. C-14-299169-1. Before either sentence expired, Boxley was sentenced to 12–30 months in prison in another state case, case no. C-15-397-892-1, to run concurrent to his federal sentence and earlier-imposed state sentence.

Boxley has filed a “motion directing the U.S. Marshals to take immediate custody” of his person¹ requesting that he be transferred from state custody to the Bureau of Prisons (BOP) to serve the remainder of his time in federal custody. Boxley represents that the sentence in state-court case no. C-14-299169-1 has expired, but it appears that his sentence in state court case no. C-15-397-892-1 has not yet expired. Boxley has no right to serve the remainder of his state sentence or any portion of his federal sentence that runs concurrently with it in a federal facility, so I deny his motion.

Accordingly, IT IS HEREBY ORDERED that Boxley’s motion for U.S. Marshals to take immediate custody of the defendant [ECF No. 43] is **DENIED**.

Dated this 16th day of November, 2016.



Jennifer A. Dorsey
United States District Judge

¹ ECF No. 38.